

UNOFFICIAL VERSION

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MONDAY, APRIL 9, 2012

SIXTY-NINTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 4:00 p.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Bruce Yates of Seymour First Baptist Church in Seymour, Tennessee, a guest of Senator Overbey.

PLEDGE OF ALLEGIANCE

Senator Overbey led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

PRESENTATION

Senator Yager presented **Senate Joint Resolution No. 522** to Ms. Alexia "Lexee" Blair Hill.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2639, 2749, 2750, 2752, 3257, 3468, 3499 and 3828** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2639 -- Codes -- As introduced, prohibits sprinkler requirements in local building codes in one-family and two-family dwellings. Amends TCA Section 68-120-101.

House Bill No. 2749 -- DUI Offenses -- As introduced, requires judge to order use of functioning ignition interlock system if judge grants application for a restricted license following an implied consent violation for refusing to take alcohol test. Amends TCA Title 55, Chapter 10, Part 4.

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House Bill No. 2750 -- DUI Offenses -- As introduced, expands present law to provide that it is not a defense to a violation of the DUI statute that a person is or was lawfully entitled to use an intoxicant, marijuana, controlled substance, or other drug. Amends TCA Title 55, Chapter 10, Part 4.

House Bill No. 2752 -- DUI Offenses -- As introduced, clarifies that a person may be compelled to submit to an alcohol test under the implied consent law by other provisions of law, court order or search warrant. Amends TCA Title 55, Chapter 10, Part 4.

House Bill No. 3257 -- Criminal Offenses -- As introduced, specifies that a public place includes places that an ordinary observer would see while located in a public place. Amends TCA Title 39 and Title 40.

House Bill No. 3468 -- Child Custody and Support -- As introduced, allows the court, in its discretion, in appropriate cases, to order child support for postsecondary education. Amends TCA Title 34 and Title 36.

House Bill No. 3499 -- Firearms and Ammunition -- As introduced, defines and clarifies the terms "intent to go armed" and "purpose of going armed" when determining if person is in violation of law prohibiting a person from carrying a firearm with the intent to go armed under certain circumstances. Amends TCA Title 39, Chapter 17.

House Bill No. 3828 -- Metropolitan Government -- As introduced, revises entity controlling allocation of taxes associated with professional sports franchises; revises and removes restrictions on use of funds; transfers unexpended funds to new entity. Amends TCA Title 67.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3812** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

Senate Bill No. 3812 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 751 through 759 and 761 through 764** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 751 by Senator Henry.
Memorials, Death -- Joe "Tiger Joe" Thompson, Jr.

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Senate Joint Resolution No. 752 by Senator Kyle.

Memorials, Academic Achievement -- Ashley Thi Truong, Valedictorian, Kingsbury High School.

Senate Joint Resolution No. 753 by Senator Kyle.

Memorials, Academic Achievement -- Keriyon Hunter, Salutatorian, Kingsbury High School.

Senate Joint Resolution No. 754 by Senator Kyle.

Memorials, Academic Achievement -- Kara Skjoldager, Valedictorian, Central High School.

Senate Joint Resolution No. 755 by Senator Kyle.

Memorials, Academic Achievement -- Elizabeth Forester, Salutatorian, Central High School.

Senate Joint Resolution No. 756 by Senator Kyle.

Memorials, Academic Achievement -- Jordaan Tiara McGill, Salutatorian, Central High School.

Senate Joint Resolution No. 757 by Senator Kyle.

Memorials, Death -- Robert Eugene Tipton, Jr.

Senate Joint Resolution No. 758 by Senator Kyle.

Memorials, Death -- Ryan Barek Edwards.

Senate Joint Resolution No. 759 by Senators Henry, Harper, Johnson, Berke, Finney,

Kyle, Marrero, Herron, Stewart, Burks, Tate, Ford, Barnes, Norris, Southerland, Gresham, Kelsey, Beavers, Watson, Tracy, Summerville, Massey, Overbey, Faulk, Crowe, Yager, McNally and Ketron.
Memorials, Public Service -- Senator Joe M. Haynes, Jr.

Senate Joint Resolution No. 761 by Senator Henry.

Memorials, Recognition -- Catholic Charities of Tennessee, Inc., 50th anniversary.

Senate Joint Resolution No. 762 by Senators Ketron and Henry.

Memorials, Death -- former Senator William Allen Richardson, Jr.

Senate Joint Resolution No. 763 by Mr. Speaker Ramsey; and Senators Overbey, Norris,

Bell, Crowe, Tracy, Campfield, Summerville, Kelsey, Gresham, Berke, Burks, Ketron, Tate, Yager, Massey, Roberts, Beavers, Ford, Marrero, Kyle, Finney, Harper, Barnes, McNally, Haynes, Johnson, Southerland, Watson, Stewart and Herron.

Memorials, Public Service -- Senator Mike Faulk.

Senate Joint Resolution No. 764 by Senator Kyle.

Memorials, Recognition -- Reverend Stanford L. Hunt.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 853 through 862; Senate Joint Resolutions Nos. 742 through 750; and Senate Resolution No. 96** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

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House Joint Resolution No. 853 -- Memorials, Academic Achievement -- Jami Reece, Valedictorian, Red Boiling Springs High School.

The Speaker announced that he had referred House Joint Resolution No. 853 to the Committee on Calendar.

House Joint Resolution No. 854 -- Memorials, Academic Achievement -- Morgan Burgener, Valedictorian, Red Boiling Springs High School.

The Speaker announced that he had referred House Joint Resolution No. 854 to the Committee on Calendar.

House Joint Resolution No. 855 -- Memorials, Academic Achievement -- David Williams, Jr., Valedictorian, Red Boiling Springs High School.

The Speaker announced that he had referred House Joint Resolution No. 855 to the Committee on Calendar.

House Joint Resolution No. 856 -- Memorials, Academic Achievement -- Kristin Davis, Valedictorian, Red Boiling Springs High School.

The Speaker announced that he had referred House Joint Resolution No. 856 to the Committee on Calendar.

House Joint Resolution No. 857 -- Memorials, Academic Achievement -- Matthew Brockett, Salutatorian, Red Boiling Springs High School.

The Speaker announced that he had referred House Joint Resolution No. 857 to the Committee on Calendar.

House Joint Resolution No. 858 -- Memorials, Recognition -- Dr. Martin Luther King, Jr., Avenue in Memphis.

The Speaker announced that he had referred House Joint Resolution No. 858 to the Committee on Calendar.

House Joint Resolution No. 859 -- Memorials, Sports -- Anfernee "Penny" Hardaway, Lester Middle School Lions basketball team, 2012 Small Schools Tennessee State Championship.

The Speaker announced that he had referred House Joint Resolution No. 859 to the Committee on Calendar.

House Joint Resolution No. 860 -- Memorials, Sports -- Riverdale High School Lady Warriors basketball team, Class AAA State Champions.

The Speaker announced that he had referred House Joint Resolution No. 860 to the Committee on Calendar.

House Joint Resolution No. 861 -- Memorials, Professional Achievement -- Dr. L. Anthony Wise, Jr.

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The Speaker announced that he had referred House Joint Resolution No. 861 to the Committee on Calendar.

House Joint Resolution No. 862 -- Memorials, Interns -- Tony Bernard Mitchell, Jr.

The Speaker announced that he had referred House Joint Resolution No. 862 to the Committee on Calendar.

Senate Joint Resolution No. 742 -- Memorials, Heroism -- Master Sergeant Michael Trost.

The Speaker announced that he had referred Senate Joint Resolution No. 742 to the Committee on Calendar.

Senate Joint Resolution No. 743 -- Memorials, Academic Achievement -- Darius McGee, Salutatorian, Douglass High School.

The Speaker announced that he had referred Senate Joint Resolution No. 743 to the Committee on Calendar.

Senate Joint Resolution No. 744 -- Memorials, Academic Achievement -- Ashley Laprese Caston, Valedictorian, Douglass High School.

The Speaker announced that he had referred Senate Joint Resolution No. 744 to the Committee on Calendar.

Senate Joint Resolution No. 745 -- Memorials, Academic Achievement -- Sovanchamrean Yos, Valedictorian, Raleigh-Egypt High School.

The Speaker announced that he had referred Senate Joint Resolution No. 745 to the Committee on Calendar.

Senate Joint Resolution No. 746 -- Memorials, Academic Achievement -- Maira A. Lopez, Salutatorian, Raleigh-Egypt High School.

The Speaker announced that he had referred Senate Joint Resolution No. 746 to the Committee on Calendar.

Senate Joint Resolution No. 747 -- Memorials, Personal Occasion -- Nell Goodson, 101st birthday.

The Speaker announced that he had referred Senate Joint Resolution No. 747 to the Committee on Calendar.

Senate Joint Resolution No. 748 -- Memorials, Recognition -- Iris Thompson, 2012 Super Senior.

The Speaker announced that he had referred Senate Joint Resolution No. 748 to the Committee on Calendar.

Senate Joint Resolution No. 749 -- Memorials, Recognition -- Rusty Branstetter, 2012 Super Senior.

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The Speaker announced that he had referred Senate Joint Resolution No. 749 to the Committee on Calendar.

Senate Joint Resolution No. 750 -- Memorials, Death -- Paul Edward Meyers II.

The Speaker announced that he had referred Senate Joint Resolution No. 750 to the Committee on Calendar.

Senate Resolution No. 96 -- Memorials, Recognition -- Chelsea Rose, 2012 Derryberry Award.

The Speaker announced that he had referred Senate Resolution No. 96 to the Committee on Calendar.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 723 -- Memorials, Recognition -- Taylor Lindsay, 2011 Miss Polk Salad.

Senate Joint Resolution No. 727 -- Memorials, Academic Achievement -- Dakota Scott Rakestraw, Valedictorian, Stewart County High School.

Senate Joint Resolution No. 728 -- Memorials, Academic Achievement -- Clarissa Hsin en Wu, Salutatorian, Stewart County High School.

Senate Joint Resolution No. 729 -- Memorials, Professional Achievement -- Dr. Harry McSween, J. Lawrence Smith Medal.

Senate Joint Resolution No. 730 -- Memorials, Recognition -- Mary Ann Duncan, 2012 Super Senior.

Senate Joint Resolution No. 732 -- Memorials, Death -- Tutt S. Bradford.

House Joint Resolution No. 695 -- Memorials, Recognition -- John Rich.

House Joint Resolution No. 812 -- Memorials, Recognition -- Morrill Act of 1862, 150th anniversary.

House Joint Resolution No. 823 -- Memorials, Recognition -- Bobbie Patray.

House Joint Resolution No. 842 -- Memorials, Recognition -- Charlie Foust & Clarksville Foundry.

House Joint Resolution No. 846 -- Memorials, Recognition -- Walmart Distribution Center and Transportation Office, 15 year anniversary.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

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Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, April 11, 2012, pursuant to Rule 38: **Senate Bill No. 2487.**

Senate Bill No. 2398 -- Guardianship -- As introduced, authorizes a senior psychological examiner to provide an examination and sworn report to a court concerning conservatorship. Amends TCA Title 34 and Title 63.

On motion, Senate Bill No. 2398 was made to conform with **House Bill No. 2456.**

On motion, House Bill No. 2456, on same subject, was substituted for Senate Bill No. 2398.

Senate Bill No. 2795 -- Judges and Chancellors -- As introduced, clarifies to which judges certain financial disclosure laws apply; clarifies that newly elected judges may practice law to wind up their practice; revises other provisions governing judges. Amends TCA Section 2-10-102; Section 17-2-112; Section 17-2-202; Section 17-1-105 and Section 23-3-102.

On motion, Senate Bill No. 2795 was made to conform with **House Bill No. 2978.**

On motion, House Bill No. 2978, on same subject, was substituted for Senate Bill No. 2795.

Senate Bill No. 3202 -- Firearms and Ammunition -- As introduced, permits retired correctional officers and inmate relations coordinators previously employed by the Department of Corrections to apply to obtain certification to carry a weapon in this state in the same manner as a retired law enforcement officer obtains certification to carry in this state. Amends TCA Title 38, Chapter 8 and Title 39, Chapter 17.

On motion, Senate Bill No. 3202 was made to conform with **House Bill No. 3443.**

On motion, House Bill No. 3443, on same subject, was substituted for Senate Bill No. 3202.

Senate Bill No. 3594 -- State Employees -- As introduced, provides that the disciplinary counsel for the court of the judiciary is a state employee for purposes of defense by the attorney general when a civil action is commenced for an act or omission performed during the course of duties for the court of judiciary. Amends TCA Section 8-42-103.

Senate Bill No. 3596 -- Taxes, Real Property -- As introduced, allows notice by delivery service alternatives to certified or registered mail, return receipt requested as authorized by federal law in regard to notice to a taxpayer of a tax lien suit. Amends TCA Title 67, Chapter 5.

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Senate Bill No. 3629 -- Sentencing -- As introduced, requires that a person convicted of committing a dangerous felony involving a firearm who is subsequently convicted of the same serve a minimum of 15 years imprisonment at 100 percent. Amends TCA Title 39, Chapter 17 and Title 40.

House Joint Resolution No. 557 -- Memorials, Recognition -- Recognizes installation of signage, seal, and motto at Arzo Carson TBI State Office Building; honors donors for signage; provides for maintenance of certain legislation at such building.

House Joint Resolution No. 577 -- General Assembly, Statement of Intent or Position -- Expresses support for establishment of a West Tennessee Veterans Home.

House Joint Resolution No. 649 -- Naming and Designating -- "American Indian Heritage Month", September, 2012.

House Joint Resolution No. 664 -- Naming and Designating -- Designates third Monday in May as "Rescue Squad Day" in Tennessee.

Senator Faulk moved that all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 1631 -- Education, Dept. of -- As introduced, requires department to utilize scale of 100% when reporting progress in the Tennessee report card for schools beginning with the report for the 2012-2013 school year. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Develop and adopt a uniform system of grading in grades kindergarten through eight (K-8) for implementation in the public schools by the beginning of the 2013-2014 school year. The state board is authorized to promulgate rules and regulations for the administration of this subdivision.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following language as a new, appropriately designated section:

49-6-3___. Each LEA shall adopt and use the uniform grading system developed by the State Board of Education for students enrolled in grades kindergarten through eight (K-8).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1631**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 1688 -- Schools, Charter -- As introduced, requires public charter school's annual renewal application to include the number of students who attended the school in the most recently completed academic year and the schools that those students attended prior to enrolling at the charter school. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-201(d), is amended by redesignating subdivision (2) as subdivision (4) and by deleting subdivision (1) in its entirety and substituting instead the following:

(1) Subdivisions (1), (2) and (3) of this subsection shall be known as and may be cited as "The Public School Achievement Flexibility Act".

(2)(A) Upon application by the LEA for one (1) or more of its schools, the Commissioner of Education may waive any state board rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission. However, the commissioner may not waive regulatory or statutory requirements related to:

- (i) Federal and state civil rights;
- (ii) Federal, state and local health and safety;

- (iii) Federal and state public records;
- (iv) Immunizations;
- (v) Possession of weapons on school grounds;
- (vi) Background checks and fingerprinting of personnel;
- (vii) Federal and state special education services;
- (viii) Student due process;
- (ix) Parental rights;
- (x) Federal and state student assessment and accountability;
- and
- (xi) Open meetings.

(B) Notwithstanding subdivision (A), the commissioner may not waive any statute for a school identified as a priority school as defined by the state's accountability system.

(3) A school for which the commissioner has granted flexibility in operation may establish its own educational model and operate in any manner that the local board and the school's management team agree shall sustain and increase student performance. Each school shall be allowed to innovate and experiment and to challenge existing teaching methodologies with the goal of enhancing student performance.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1688**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 1923 -- Education -- As introduced, requires an LEA revising its policy prohibiting harassment, intimidation, or bullying, which was filed with the Commissioner of Education, to transmit the revised policy to the commissioner. Amends TCA Title 49.

Senator Norris declared Rule 13 on **Senate Bill No. 1923**.

On motion, Senate Bill No. 1923 was made to conform with **House Bill No. 1105**.

On motion, House Bill No. 1105, on same subject, was substituted for Senate Bill No. 1923.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) If by majority vote of its total membership the governing body of a municipality determines that a city school system: (1) is authorized by the municipality's charter, as set forth by statute or private act; (2) would promote the public welfare through enhancement of educational innovation, opportunity, and achievement; and (3) would possess a student population of sufficient size to comply with state requirements; then the governing body is hereby authorized to request the County Election Commission to conduct a referendum pursuant to § 49-2-106. The referendum may be conducted at either a general or special election held throughout the municipality; provided, however, if a special election is requested, then the municipality shall pay the costs of the special election.

(b) If a majority of the voters participating in the referendum elect to raise local funds to support the proposed city school system, then the governing body of the municipality is hereby authorized to establish, by ordinance, a city board of education in compliance with § 49-2-201 and this section.

(c)(1) Members of the city board of education shall be elected from districts of substantially equal population; and the governing body of the municipality, by ordinance, shall establish the districts. There shall be not less than three (3) nor more than eleven (11) members. In order to comply with the § 49-2-201 requirement that the members be elected to staggered four-year terms, the governing body of the municipality is hereby authorized to establish initial terms that vary in length; provided, however, all subsequently elected members, other than members elected to fill a vacancy, shall be elected to four-year terms.

(2) The governing body of the municipality is hereby authorized to request the County Election Commission to conduct an election to select the members of the initial city board of education. The election may be conducted at either a general or special election held throughout the municipality; provided, however, if a special election is requested, then the municipality shall pay the costs of the special election.

(d) The members of the initial city board of education shall take office on the first day of the first month following certification of the election results.

(e) The initial city board of education is hereby authorized to plan and manage the formation of the city school system as well as to manage and operate the system once student instruction commences. The initial board of education shall have all powers and duties granted or required of boards of education under § 49-2-203 or other general law, including, but not limited to, employment of a full-time director of schools; employment of teachers and staff required to operate the city school system; and construction, acquisition, lease, or modification of buildings and facilities suitable for school purposes.

(f) Schools in the city school system shall open for student instruction between August 1 and the first Tuesday following Labor Day of the school year immediately following the commissioner's finding of the system's compliance with applicable state law and readiness to commence student instruction.

(g) Notwithstanding any provision of Title 6 or § 49-2-502 or any other law to the contrary, this section shall govern any municipality actively considering or planning, on or after the effective date of this act, the formation of a new city school system.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 1105**, as amended, passed its third and final consideration by the following vote:

Ayes	20
Noes	8
Present, not voting . . .	2

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Finney, Ford, Harper, Haynes, Herron, Kyle and Marrero --8.

Senators present and not voting were: Henry and Stewart--2.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 2225** be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

Senate Bill No. 2484 -- Education -- As introduced, makes the "Move on When Ready Act" inapplicable in Williamson County. Amends TCA Title 49, Chapter 6, Part 83.

Senate Bill No. 2484 passed its third and final consideration by the following vote:

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Ayes 30
Noes 0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 2511 -- Lottery, Scholarships and Programs -- As introduced, requires THEC to make recommendations for change to the lottery scholarship eligibility for GED recipients in light of impending changes to the GED test by the American Council on Education. Amends TCA Title 49.

On motion, Senate Bill No. 2511 was made to conform with **House Bill No. 2861**.

On motion, House Bill No. 2861, on same subject, was substituted for Senate Bill No. 2511.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

On motion of Senator Bell, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2861** passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Gresham moved that **Senate Bill No. 2514** be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

Senator Gresham moved that **Senate Bill No. 2515** be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

Senate Bill No. 2591 -- Education -- As introduced, requires interest inventories to be administered to high school juniors and college sophomores to assist students in career decisions. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new, appropriately designated section:

49-6-4___. An interest inventory such as the Kuder assessment, Myers-Briggs Indicator personality inventory, the ASVAB or other interest or career inventory shall be available to all public middle schoolers or ninth graders to further assist students in determining their interests and in making career decisions.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-7-1___. An interest inventory such as the Kuder assessment, Myers-Briggs Type Indicator personality inventory, the ASVAB or other interest or career exploration inventory shall be available to all public postsecondary students beginning in their freshman year as a follow up to the interest inventory available to all public middle schoolers or ninth graders and to further assist students in determining their interests and in making career decisions.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2591**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Summerville--1.

A motion to reconsider was tabled.

Senate Bill No. 2596 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, exempts certain insurers of commercial risk insurance from filing with the Commissioner of Commerce and Insurance all rates, supplementary rate information, policy forms and endorsements; requires such insurers to place a written disclaimer of such exemption in the policy or application. Amends TCA Title 56, Chapter 5.

Senator Ford declared Rule 13 on **Senate Bill No. 2596**.

Senator Ketron declared Rule 13 on **Senate Bill No. 2596**.

Senator Tracy declared Rule 13 on **Senate Bill No. 2596**.

Senator Norris declared Rule 13 on **Senate Bill No. 2596**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 5, Part 3, is amended by adding the following language as a new section:

56-5-322.

(a) For purposes of this section:

(1) "Exempt commercial risk policyholder" means an insured that either employs the services of an insurance producer licensed in property or casualty lines of authority or procures commercial risk insurance with the services of a full-time risk manager, and:

(A) Is a city, county, or metropolitan government with a population of at least fifty thousand (50,000), according to the 2010 federal census or any subsequent census;

(B) Is this state;

(C) Is a not-for-profit organization or a public entity with an annual budget of at least twenty-five million dollars (\$25,000,000) in the preceding fiscal year; or

(D) Is a commercial risk policyholder that annually certifies to the department on a form designated by the department that the policyholder:

(i) Possesses a net worth of more than ten million dollars (\$10,000,000) at the time the policy of insurance is issued;

(ii) Generated net revenue or sales of more than fifteen million dollars (\$15,000,000) in the preceding fiscal year;

(iii) Employs more than twenty-five (25) employees per individual company or fifty (50) employees per holding company at the time the policy of insurance is issued; and

(iv) Paid annual aggregate insurance premiums of more than two hundred fifty thousand dollars (\$250,000) in the preceding fiscal year of commercial risk insurance as defined in § 56-5-302, excluding any premiums paid for accident and health insurance and workers' compensation and employer's liability insurance as defined in § 56-2-201; and

(2) "Risk manager" means a person who:

(A) Holds an Accredited Advisor in Insurance (AAI) or Associate in Risk Management (ARM) designation for property and casualty lines of authority;

(B) Holds a risk management in insurance degree from an accredited college or university for property and casualty lines of authority; or

(C) Is qualified by experience, as determined by the commissioner.

(b) Section 56-5-306(a) does not apply to a commercial risk policy issued to an exempt commercial risk policyholder by an insurer of commercial risk insurance.

(c) An insurer of commercial risk insurance is subject to the penalties provided in § 56-2-305 if the:

(1) Insurer does not comply with § 56-5-306(a) relative to a commercial risk insurance policy issued to a commercial risk policyholder; and

(2) Policyholder has not filed a certification as required by subdivision (a)(1)(D).

(d) The certification form filed by a commercial risk policyholder pursuant to subdivision (a)(1)(D) shall be confidential and not subject to Title 10, Chapter 7, Part 5.

(e) Any application or policy issued to an exempt commercial risk policyholder shall contain a disclaimer in language the same as or substantially similar to the following:

The rate provided for in this policy and all forms utilized are exempt from the filing requirements of Tenn. Code Ann. § 56-5-306. The forms which make up this policy contract are exempt from the filing requirements of Tenn. Code Ann. § 56-5-306.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2596**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 2633 -- Licenses -- As introduced, increases the minimum fees for unrestricted initial staff leasing company licenses and renewals thereof from \$100 for residents and \$150 for nonresidents to \$150 and \$200 respectively. Amends TCA Title 56, Chapter 56 and Title 62, Chapter 43.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 43, is amended by deleting the chapter in its entirety and by substituting instead the following:

62-43-101. This chapter shall be known and may be cited as the "Tennessee Professional Employer Organization Act".

62-43-102. As used in this chapter, unless the context otherwise requires:

(1) "Applicant" means a person seeking an initial or renewal registration pursuant to this chapter;

(2) "Audit" means an engagement performed in accordance with the Statements on Auditing Standards (SAS);

(3) "Client" means any person who enters into a professional employer agreement with a professional employer organization;

(4) "Co-employer" means either a professional employer organization or a client;

(5) "Co-employment relationship" means a relationship which is intended to be an ongoing relationship rather than a temporary or project specific one, wherein the rights, duties, and obligations of an employer which arise out of an employment relationship have been shared and allocated between co-employers pursuant to a professional employer agreement and this chapter;

(6) "Covered employee":

(A) Means an individual having a co-employment relationship with a professional employer organization and a client who meets all of the following criteria:

(i) The individual has received written notice of co-employment with the professional employer organization; and

(ii) The individual's co-employment relationship results pursuant to a professional employer agreement; and

(B) Includes individuals who are officers, directors, shareholders, partners, and managers of the client; provided, that such individuals meet the criteria of subdivision (6)(A) and act as operational managers or perform day-to-day operational services for the client, unless the professional employer organization and the client have expressly agreed in the professional employer agreement that such individuals shall not be covered employees;

(7) "Department" means the Department of Commerce and Insurance;

(8) "Local governmental entity" means a governing body, board, commission, committee or department of a municipality or county;

(9) "Person" has the same meaning as in § 1-3-105 and as amended;

(10) "Professional employer agreement" means a written contract between a client and a professional employer organization that provides:

(A) For the co-employment of covered employees;

(B) For the allocation of employer rights and obligations between the client and the professional employer organization with respect to covered employees; and

(C) That the professional employer organization and the client assume the responsibilities required by this chapter;

(11) "Professional employer organization":

(A) Means any person engaged in the business of providing professional employer services, regardless of the use of the term or conducting business as a "professional employer organization", "PEO", "staff leasing company", "registered staff leasing company", "employee leasing company", "administrative employer", or any other name; and

(B) Includes a professional employer organization group;

(12) "Professional employer organization benefit and welfare plan" means a plan offered to covered employees of a professional employer organization registered pursuant to this chapter;

(13) "Professional employer organization group" means two (2) or more professional employer organizations that are majority owned or commonly controlled by the same entity, parent or controlling person;

(14) "Professional employer services" means the service of entering into co-employment relationships under this chapter in which all or a majority of the employees providing services to a client, a division or work unit of a client are covered employees;

(15) "Registrant" means a professional employer organization registered under this chapter;

(16) "Small operations" means an applicant or registrant with less than fifty million dollars (\$50,000,000) in annualized wages;

(17) "Temporary help services" means services consisting of a person:

(A) Recruiting and hiring its own employees;

(B) Finding other organizations that need the services of its employees;

(C) Assigning its employees:

(i) To perform work at or services for the other organizations to support or supplement the other organizations' workforces;

(ii) To provide assistance in special work situations such as, but not limited to, employee absences, skill shortages or seasonal workloads; or

(iii) To perform special assignments or projects; and

(D) Customarily attempting to reassign its employees to other organizations when they finish each assignment; and

(18) "Working capital" means the excess of current assets over current liabilities as determined by generally accepted accounting principles.

62-43-103.

(a)(1) The department may promulgate rules and prescribe forms reasonably necessary for the administration and enforcement of §§ 62-43-106, 62-43-107 and 62-43-112.

(2) Rules shall be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5 and as amended.

(b)(1) The professional employer organization advisory council is created and shall consist of five (5) members to be appointed by the governor to four (4) year terms. A term shall become effective on appointment and continue until a successor has been appointed. A vacancy shall be filled by appointment to the unexpired term by the governor.

(2)(A) Three (3) members of the council shall be individuals owning or working for a professional employer organization.

(B) The remaining two (2) members shall:

(i) Be residents of this state; and

(ii) Not be, or ever have been, connected with a professional employer organization.

(C) Among the members described in subdivision (b)(2)(B):

(i) One (1) such member shall represent the consumer interests of this state; and

(ii) One (1) such member shall be a representative of the department.

(3) The council shall elect a chair and other officers to a term of one (1) year or until a successor is elected. Meetings may be called by the chair or by any two (2) members. A meeting may be held by electronic means. Three (3) members shall constitute a quorum to conduct business. Whenever vacancies prevent a quorum, the remaining members shall constitute a quorum for the purposes of recommending to the governor appointments to the council.

(4) Members shall serve without compensation.

(5) The following are the powers and duties of the council:

(A) Determine its rules of order and procedure;

(B) Recommending to the governor appointments to the council;

(C) Send notice of its agenda and proceedings to any requesting person;

(D) Petition the department, pursuant to § 4-5-201 and as amended; and

(E) Advise the department on this chapter.

(6)(A) The council is attached to the department for the purposes of administration and cooperation.

(B) The department shall notify the council of any action pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5 and as amended, relating to a rule promulgated pursuant to this chapter.

(C) Any nonprofit organization representing five (5) or more professional employer organizations registered in this state may recommend appointments to the council.

62-43-104. All records, reports and other information obtained from an applicant or registrant under this chapter, except to the extent necessary for the proper administration of this chapter by the department, shall be confidential and shall not be published or open to public inspection other than to public employees in the actual performance of their public duties.

62-43-105.

(a) Nothing contained in this chapter or in any professional employer agreement shall affect, modify or amend any collective bargaining agreement, or the rights or obligations of any client, professional employer organization or covered employee under:

(1) The National Labor Relations Act, compiled in 29 U.S.C. §§ 131 et seq. and as amended;

(2) The Railway Labor Act, compiled in 45 U.S.C. §§ 151 et seq. and as amended; or

(3) Applicable state labor relations law, compiled in Titles 12 and 50 and as amended.

(b) Nothing in this chapter or in any professional employer agreement shall:

(1) Diminish, abolish or remove rights of covered employees to a client or obligations of such client to a covered employee existing prior to the effective date of the professional employer agreement;

(2) Affect, modify or amend any contractual relationship or restrictive covenant between a covered employee and any client in effect at the time a professional employer agreement becomes effective;

(3) Prohibit or amend any contractual relationship or restrictive covenant that is entered into subsequently between a client and a covered employee;

(4) Impose responsibility or liability on a professional employer organization in connection with, or arising out of, any such existing or new contractual relationship or restrictive covenant between the client and a covered employee unless the professional employer organization has specifically agreed otherwise in writing; or

(5) Create any new or additional enforceable right of a covered employee against a professional employer organization that is not specifically provided by the professional employer agreement or this chapter.

(c) Nothing contained in this chapter or any professional employer agreement shall affect, modify or amend any state, local governmental entity or federal licensing, registration, or certification requirement applicable to any client or covered employee.

(1) A covered employee who must be licensed, registered or certified according to law or regulation is deemed solely an employee of the client for purposes of any such license, registration or certification requirement.

(2) A professional employer organization shall not be deemed to engage in any occupation, trade, profession or other activity that is subject to licensing, registration or certification requirements, or is otherwise regulated by a local governmental entity solely by entering into and maintaining a co-employment relationship with a covered employee who is subject to such requirements or regulation.

(3) A client shall have the sole right of direction and control of the professional or licensed activities of covered employees and of the client's business. Such covered employees and clients shall remain subject to regulation by the state or local governmental entity responsible for licensing, registration or certification of such covered employees or clients.

(d)(1) For purposes of determination of tax credits and other economic incentives provided by this state or a local government entity and based on employment, covered employees shall be deemed employees solely of the client.

(2) A client shall be entitled to the benefit of any tax credit, economic incentive or other benefit arising as the result of the employment of covered employees of such client.

(3) Notwithstanding that the professional employer organization is the W-2 reporting employer, the client shall continue to qualify for such benefit, incentive or credit.

(4) If the grant or amount of any such credit, incentive or benefit is based on the number of employees, then each client shall be treated as employing only those covered employees co-employed by the client. Covered employees working for other clients of the professional employer organization shall not be counted.

(5) Each professional employer organization shall provide, upon request by a client, an agency or department of this state or local governmental entity, employment information reasonably required by any agency or department of this state responsible for administration of any such tax credit, economic incentive or benefit and necessary to support any request, claim, application or other action by a client seeking any such tax credit, economic incentive or benefit.

(e) With respect to a bid, contract, purchase order or agreement entered into with this state or a local governmental entity, a client company's status or certification as a Tennessee small business, minority-owned business, Tennessee service-disabled veteran owned business, disadvantaged business or woman-owned business, or as a historically

underutilized business enterprise, is not affected because the client company has entered into an agreement with a professional employer organization or uses the services of a professional employer organization.

(f) In a co-employment relationship:

(1) The professional employer organization is entitled to enforce only such employer rights, and is subject to only those obligations, specifically allocated to the professional employer organization by the professional employer agreement or this chapter;

(2) The client is entitled to enforce:

(A) The rights, and obligated to provide and perform the employer obligations, allocated to the client by the professional employer agreement and this chapter; and

(B) Any right or obligation, not specifically allocated to the professional employer organization by the professional employer agreement or this chapter.

(g) A person is not a professional employer organization if the person:

(1)(i) Engages in a principal business activity that does not involve entering into professional employer arrangements;

(ii) Does not hold itself out as a professional employer organization; and

(iii) Shares employees with a commonly owned company within the meaning of §§ 414(b) and (c) of the Internal Revenue Code of 1986, as amended;

(2) Provides temporary help services; or

(3) Assumes responsibility through independent contractor arrangements for the product produced or service performed by such person or his agents and retains and exercises primary direction and control over the work performed by the individuals whose services are supplied under such arrangements.

62-43-106.

(a)(1) No person shall provide, advertise or otherwise hold itself out as providing professional employer services in this state unless such person is registered under this chapter.

(2) The department shall register an applicant meeting the requirements of this chapter.

(3) Section 4-5-320 and as amended shall apply when an initial or renewal application is denied.

(4) Registration under this chapter shall remain in force for two (2) years from the date of issuance of registration.

(b) Each applicant for initial registration under this chapter shall submit to the department the following:

(1) Any name under which the applicant conducts business;

(2) The address of the principal place of business of the applicant and of each office it maintains in this state;

(3) The applicant's taxpayer or employer identification number;

(4) A list by state of each name under which the applicant has operated in the preceding five (5) years, including any alternative names, names of predecessors and, if known, successor business entities;

(5) A statement of ownership, which shall include the name, address and principal occupation of any person that, individually or acting in concert with one (1) or more other persons, owns or controls, directly or indirectly:

(A) Twenty percent (20%) or more of the equity interests of the applicant who is a publicly traded entity; or

(B) Ten percent (10%) or more of the equity interest of the applicant who is not a publicly traded entity;

(6) A statement of management, which shall include the name, address and principal occupation of any person who serves as president, chief executive officer or otherwise has the authority to act as a senior executive officer of the applicant;

(7) If the applicant or a person listed in subdivisions (b)(5) or (6) has in any jurisdiction:

(A) Been convicted of or entered a plea of nolo contendere to a crime relating to the operation of a professional employer organization;

(B) Been disciplined relating to the operation of a professional employer organization;

(C) Been convicted of or entered a plea of nolo contendere to an offense relating to bribery, dishonesty or fraud;

(D) Been convicted of or entered a plea of nolo contendere to any felony; or

(E) Been found liable for civil fraud;

(8) A financial statement setting forth the financial condition of the applicant; provided, that:

(A) The applicant shall submit the most recent audit of the applicant with its initial application;

(B) No financial statement submitted with the initial application shall be older than thirteen (13) months from the date of the report of the auditor;

(C) Within one hundred eighty (180) days of the close of an applicant's fiscal year, the applicant shall submit its most recent financial statement; provided, that an applicant may apply to the department for additional time to submit its financial statements, and such a request shall be accompanied by a letter from the auditors stating the reasons for the delay and the anticipated audit completion date;

(D) Financial statements submitted pursuant to this subdivision (b)(8) shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant licensed to practice in the jurisdiction in which such accountant is located; provided, that no resulting report of the auditor shall include:

(i) A qualification or disclaimer of opinion as to adherence to generally accepted accounting principles; or

(ii) A statement expressing substantial doubt about the ability of the applicant to continue as a going concern;

(E) An applicant may submit combined or consolidated audited financial statements to meet the requirements of this section;

(F) Notwithstanding subdivision (b)(8)(D)(i):

(i) An applicant that has not had sufficient operating history to have financial statements based upon at least twelve (12) months of operating history shall meet the financial capacity requirements in subsection (c) and submit financial statements reviewed by an independent certified public accountant; and

(ii) If an applicant is a subsidiary or is related to a variable interest entity, then the applicant may submit financial statements of the professional employer organization, professional employer organization group or the controlling organization;

(G)(i) In lieu of audited financial statements required by this subdivision (b)(8), an applicant or registrant with small operations may submit financial statements compiled by an independent certified public accountant.

(ii) The department shall consider an applicant or registrant a professional employer organization with small operations if the applicant or registrant submits to the department:

(a) A request to be deemed a PEO with small operations on a form prescribed by the department; and

(b) The most recent fourth quarter federal Form 941 of the applicant or registrant and any related person that offers professional employer services; provided, the aggregate annualized wages shall be less than fifty million dollars (\$50,000,000).

(iii) The form required in subdivision (b)(8)(G)(ii) shall be submitted to the department in any year the applicant or registrant seeks to be considered a professional employer organization with small operations.

(iv) In any year that an applicant or registrant with small operations does not meet the requirements to maintain such status, that applicant or registrant shall have six (6) months from the close of the current fiscal year of the applicant or registrant to either:

(a) Meet the requirements of this subdivision (b)(8)(G); or

(b) Submit audited financial statements;

(9) Evidence of workers' compensation coverage for covered employees in this state who are subject to the Tennessee Workers' Compensation Law, compiled in Title 50, Chapter 6 and as amended; and

(10) A written statement in regards to whether the applicant sponsors a self-insured health plan.

(c) Except as provided by subdivision (b)(8)(F)(i) and subsection (f), an applicant shall maintain either:

(1) Positive working capital at registration as reflected in the financial statements submitted to the department under subdivision (b)(8); or

(2) An applicant that does not have positive working capital may provide a bond, irrevocable letter of credit or securities with a minimum market value equaling the deficiency plus one hundred thousand dollars (\$100,000) to the department; provided, that such instruments are to be held by an institution designated by the department, securing payment by the applicant of all taxes, wages, benefits or other entitlements due to or with respect to covered employees if the applicant does not make such payments when due.

(d)(1) No later than one hundred eighty (180) days after the applicant's fiscal year that is the second year of its current registration, the applicant may renew its registration by:

(A) Notifying the department of any changes in the information submitted under subsection (b); and

(B) Submitting the financial statement required under subdivision (b)(8) or the alternatives under subdivision (b)(8)(G) or subsection (c), as applicable.

(2) An applicant's existing registration shall remain in effect during the pendency of a renewal application.

(e) An applicant who is a professional employer organization group may satisfy the requirements in this section on a combined or consolidated basis provided that each member of the professional employer organization group guarantees the financial capacity obligations under this chapter of each other member of the professional employer organization group. In the case of a professional employer organization group that submits a combined or consolidated audited financial statement including entities that are not professional employer organizations or that are not in the professional employer organization group, the controlling entity of the professional employer organization group under the consolidated or combined statement shall guarantee the obligations of the professional employer organizations in the professional employer organization group.

(f)(1) An applicant is eligible for a limited registration under this chapter if such applicant:

(A) Submits a request for limited registration to the department;

(B) Is domiciled outside this state and is licensed or registered as a professional employer organization in another state;

(C) Does not maintain an office in this state or directly solicits clients located or domiciled within this state; and

(D) Does not have more than fifty (50) covered employees employed or domiciled in this state.

(2) Limited registration is valid for two (2) years and may be renewed.

(3) An applicant seeking limited registration under this subsection (f) shall provide the department with information and documentation necessary to show that the applicant qualifies for a limited registration.

(4) Subdivision (b)(8) and subsection (c) shall not apply to applicants for limited registration.

(g) Notwithstanding § 62-43-104, the department shall maintain a list of registrants that is readily available to the public by electronic or other means.

(h)(1) The department shall to the extent practical, permit the acceptance of electronic filings in conformance with the Uniform Electronic Transactions Act, compiled in Title 47, Chapter 10 and as amended, including applications, documents, reports and other filings required by this chapter.

(2) The department may provide for the acceptance of electronic filings and other assurance by an independent and qualified assurance organization approved by the department that provides satisfactory assurance of compliance acceptable to the department consistent with or in lieu of the requirements in subsections (b) and (c), and other requirements of this chapter or the rules promulgated pursuant to it.

(3) The department may permit an applicant to authorize such an approved assurance organization to act on the applicant's behalf in complying with the registration requirements of this chapter, including electronic filings of information and payment of registration fees; provided, that use of such an approved assurance organization shall be optional and not mandatory for an applicant.

(4) Nothing in this subsection (h) shall limit or change the department's authority to register or terminate registration of a registrant or applicant or to investigate or enforce this chapter.

(i) A registrant shall:

(1) Submit to the department, within ninety (90) days of the end of each calendar quarter, a statement by an independent certified public accountant or independent public accountant that for the quarter all applicable payroll taxes have been paid on a timely basis. Upon a showing of reasonable cause, one (1) thirty-day extension per quarter shall be granted by the department;

(2) Maintain and make available for the department's inspection any and all records concerning the registrant's conduct of business under its registration, which records shall be maintained for a period of three (3) years after termination of the professional employer agreement;

(3) Notify the department in writing of a change in the information submitted under subdivisions (b)(1) - (7) within thirty (30) days of such change;

(4) Post the registration issued under this chapter in a conspicuous place in the principal place of business and display in clear public view in each registrant's office in this state a notice stating that the professional employer organization is licensed and regulated by the department and that any questions or complaints should be directed to the department; and

(5) Submit a written response to a written inquiry from the department within thirty (30) days of receiving the inquiry.

62-43-107.

(a) The department may establish the following fees by rule:

(1) Initial application fee;

(2) Initial registration fee, which includes a fee for limited registration, as applicable;

(3) Renewal registration fee; and

(4) Filing fee for a hearing pursuant to § 4-5-320 of an initial application denied by the department.

(b) No fee charged pursuant to this section shall exceed the amount reasonably necessary for the administration of this chapter. All fees collected by this state pursuant to this chapter shall be used by the department to implement and administer this chapter. The fees shall be deposited in a reserve for such purposes and the principal and interest of the reserve shall not revert on June 30 of any year.

(c) Fees under this section shall be:

(1) Remitted with the application or with the hearing request;

(2) Payable to this state; and

(3) Nonrefundable.

62-43-108.

(a)(1) The co-employment relationship shall be based on a written professional employer agreement between the client and the professional employer organization setting forth the responsibilities and duties of each co-employer. The professional employer agreement shall disclose to the client the services to be rendered, including charges and fees, the respective rights and obligations of the parties and provide that the professional employer organization:

(A) Reserves a right of direction and control over covered employees of the client; however, the client may retain sufficient direction and control over covered employees that is necessary to conduct the client's business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility that it may have or comply with any applicable licensure, regulatory or statutory requirement of the client;

(B) Pursuant to this section, assumes responsibility for the payment of wages of its covered employees, its payroll-related taxes and its employee benefits from its own accounts without regard to payments by the client to the professional employer organization; and

(C) Retains a right to hire, terminate and discipline covered employees.

(2) A professional employer organization shall give written notice of the general nature of the relationship between the professional employer organization and the client to each covered employee.

(3) A professional employer organization shall be deemed an employer of its covered employees and shall pay wages to covered employees; withhold, collect, report and remit payroll-related and unemployment taxes; and, to the extent the professional employer organization has assumed responsibility in the professional employer agreement, make payments for employee benefits for covered employees. As used in this section, the term "wages" does not include any obligation between a client and a covered employee for payments beyond or in addition to the covered employee's salary, draw, or regular rate of pay, such as bonuses, commissions, severance pay, deferred compensation, profit sharing or vacation, sick or other paid time off pay, unless the professional employer organization has expressly agreed to assume liability for such payments in the professional employer agreement.

(b) Except to the extent otherwise expressly provided by the applicable professional employer agreement:

(1) A client shall be solely responsible for the quality, adequacy or safety of the goods or services produced or sold in client's business;

(2) A client shall be solely responsible for directing, supervising, training and controlling the work of the covered employees with respect to the business activities of the client and solely responsible for the acts, errors or omissions of the covered employees with regard to such activities;

(3) A client shall not be liable for the acts, errors or omissions of a professional employer organization, or of any covered employee

of the client and a professional employer organization when such covered employee is acting under the express direction and control of the professional employer organization;

(4) A professional employer organization shall not be liable for the acts, errors, or omissions of a client or of any covered employee of the client when such covered employee is acting under the express direction and control of the client;

(5) Nothing in this subsection (b) shall serve to limit any contractual liability or obligation specifically provided in the written professional employer agreement; and

(6) A covered employee is not, solely as the result of being a covered employee of a professional employer organization, an employee of the professional employer organization for purposes of general liability insurance, fidelity bonds, surety bonds, employer's liability which is not covered by workers' compensation, or liquor liability insurance carried by the professional employer organization unless the covered employees are included by specific reference in the professional employer agreement and applicable prearranged employment contract, insurance contract or bond.

(c)(1) A professional employer organization may sponsor and maintain employee benefit and welfare plans for the benefit of its covered employees. Any of those plans that are plans of insurance shall comply with the applicable provisions of the insurance laws of this state. The self-insured plans developed under this section are not subject to premium taxes. The department may promulgate rules regulating self-insured plans under this section.

(2) An applicant or registrant shall disclose to the department, to each client company and to all eligible covered employees the following information relating to any benefit plan of insurance provided for the benefit of its covered employees:

(A) The type of coverage and a copy of the insurance policy or certificate or summary plan description;

(B) The identity of each insurer for each type of coverage;

(C) The amount of benefits for each type of coverage and to whom or on whose behalf benefits will be paid; and

(D) The policy limits on each insurance policy.

(3) Nothing in this subsection (c) shall require a professional employer organization to provide comparable benefits to covered employees located at different clients.

(4) The sale of professional employer services in conformance with this chapter shall not constitute the sale of insurance within the meaning of applicable state law.

62-43-109.

(a) A professional employer organization shall be deemed an employer of its covered employees and shall pay state unemployment premiums as required by the Tennessee Employment Security Law, compiled in Title 50, Chapter 7 and as amended.

(b) A professional employer organization shall keep separate records and submit separate state unemployment insurance wage and premium reports with payments pursuant to Title 50, Chapter 7, Part 4 and as amended, to report the covered employees of each client by using the client's state employer account number as provided for in subsection (c) and using the premium rate based on the aggregate reserve ratio of the professional employer organization as provided in subsection (d).

(c)(1) For each professional employer organization having one (1) or more covered employees with a client in this state, such professional employer organization shall file an application with the chief administrative officer of the division of employment security of the Department of Labor and Workforce Development for an account number for each client having one (1) or more covered employees in this state; provided, the application shall include:

(A) The aggregate state number assigned to the professional employer organization, along with the name, address and phone number of the professional employer organization;

(B) The name, physical address and phone number of the client;

(C) The name of the client's owner, partners, corporate officers, limited liability company members and managers, if board managed, or general partners;

(D) The federal identification number of the client;

(E) The signature of the client's principal or attorney in fact;

(F) A brief description of the client's major business activity, listing any products produced or sold, or service provided; and

(G) Any other information which may be required by the Department of Labor and Workforce Development.

(2) The professional employer organization shall notify the Department of Labor and Workforce Development in writing of any additions or deletions of clients during the quarter in which such changes occur.

(3) All information furnished to the Department of Labor and Workforce Development under this subsection (c) shall be treated as confidential information as provided in § 50-7-701 and as amended.

(d) A professional employer organization shall determine the aggregate reserve ratio of a professional employer organization by using one (1) of the following two (2) methods:

(1)(A) Total all the state unemployment premiums paid on both the state taxable wages of a professional employer organization and on the state taxable wages of all the clients of such professional employer organization for all years during which the professional employer organization has been subject to Title 50, Chapter 7 and all the years each individual client has been a client of the professional employer organization as of the computation date, as provided in § 50-7-403(k)(1) and as amended;

(B) Subtract therefrom the total of all benefits charged to the aggregate reserve account of the professional employer organization for all years, including the benefits charged resulting from benefits paid to covered employees of each individual client for all the years each client has been a client of the professional employer organization as of the computation date;

(C) Divide the difference determined in subdivision (d)(1)(A)(ii) by the average taxable payroll for the three (3) most recently completed calendar years, ending on the computation date, of the professional employer organization, plus the average taxable payroll of each client for that portion of the three-year period during which such client was a client of the professional employer organization;

(D) The resulting quotient shall be the aggregate reserve ratio of the professional employer organization beginning the July 1 following the computation date; and

(E) The employer premium rate for the professional employer organization shall be determined by matching its aggregate reserve ratio to the appropriate premium rate table pursuant to Title 50, Chapter 7 and as amended; or

(2) In cases where the aggregate reserve account of a professional employer organization has not been chargeable with benefits for thirty-six (36) consecutive months ending on the

computation date, the professional employer organization shall be assigned the new employer premium rate based upon the reserve ratio of the professional employer organization's industrial classification as determined pursuant to § 50-7-403(b)(1)(B) and as amended.

(e) A professional employer organization shall not be considered a successor employer, within the meaning of Title 50, Chapter 7 and as amended, to any client and shall not acquire the experience history of any client with whom there is not any common ownership, management or control. The client, upon terminating its relationship with the professional employer organization, shall not be considered a successor employer, within the meaning of Title 50, Chapter 7 and as amended, to the professional employer organization and shall not acquire any portion of the experience history of the aggregate reserve account of the professional employer organization with whom there is not any common ownership, management or control. For purposes of this subsection (e), the existence of professional employer agreement, without other evidence of common control, shall not constitute common ownership, management or control.

(f)(1) A client shall be jointly and severally liable with a professional employer organization for state unemployment premiums for each of the client's covered employees; provided, however, that a client shall be relieved of joint and several liability for state unemployment premiums if the professional employer organization has posted a corporate surety bond, as described in this subsection (f), with the administrator of the division of employment security of the Tennessee Department of Labor and Workforce Development in the amount of one hundred thousand dollars (\$100,000) for so long as the bond remains in force.

(2) The corporate surety bond shall be in form and content approved by the Department of Labor and Workforce Development as evidenced by the department's written consent thereto, and shall be issued by an organization currently licensed and authorized to issue the bond in this state.

(3) The bond shall be conditioned for the benefit of the Department of Labor and Workforce Development, who may enforce the bond to collect unpaid unemployment insurance premiums, interest and penalties owed by the professional employer organization pursuant to Title 50, Chapter 7, Part 4 and as amended.

(4) Any surety is required to provide the administrator of the division of employment security of the Department of Labor and Workforce Development sixty (60) days' notice of cancellation of the bond.

(5) If after three (3) full calendar years, throughout which a professional employer organization has paid all unemployment insurance premiums due in a timely manner and has a positive unemployment insurance reserve account, the bond may be reduced

to an amount no less than thirty-five thousand dollars (\$35,000) as determined and approved by the administrator conditioned upon the total taxable payroll for the previous calendar year and other factors deemed relevant by the administrator.

(6) Any reduced bond shall be subject to review on no less than an annual basis by the administrator, who may adjust the required amount of the bond as is deemed appropriate.

62-43-110.

(a) A professional employer organization shall:

(1) Ensure that its Tennessee covered employees are covered by workers' compensation insurance provided in accordance with Title 50 and the applicable Tennessee insurance laws and regulations as amended;

(2) Notify the department and its clients within ten (10) days of any notice of cancellation of its workers' compensation coverage; and

(3) Notify the department and its workers' compensation carrier, if applicable, of the termination of the professional employer organization's relationship with any client with covered employees in this state.

(b) The professional employer organization shall be entitled along with the client to the exclusivity of the remedy under both the workers' compensation and employer's liability provisions of a workers' compensation policy or plan that either party has secured.

62-43-111.

(a) Covered employees whose services are subject to sales tax shall be deemed the employees of the client for purposes of collecting and levying sales tax on the services performed by the covered employee. Nothing contained in this chapter shall relieve a client of any sales tax liability with respect to its goods or services.

(b) Any tax or assessment imposed upon professional employer services or any business license or other fee which is based upon "gross receipts" shall allow a deduction from the gross income or receipts of the business derived from performing professional employer services that is equal to that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, worker's compensation, payroll taxes, withholding or other assessments paid to or on behalf of a covered employee by the professional employer organization under a professional employer agreement.

(c) Any tax assessed or assessment or mandated expenditure on a per capita or per employee basis shall be assessed against the client for covered employees and against the professional employer organization for its employees who are not covered employees co-employed with a client.

Benefits or monetary consideration that meet the requirements of mandates imposed on a client and that are received by covered employees through the professional employer organization either through payroll or through benefit plans sponsored by the professional employer organization shall be credited against the client's obligation to fulfill such mandates.

(d) In the case of a tax or an assessment imposed or calculated upon the basis of total payroll, the professional employer organization shall be eligible to apply any small business allowance or exemption available to the client for the covered employees for purpose of computing the tax.

(e) Except to the extent provided otherwise in the professional employer agreement with a client, a professional employer organization is not liable for the general debts, obligations, loss of profits, business goodwill or other consequential special or incidental damages of a client with which it has entered into a professional employer agreement.

(f) This section applies to this state and local governmental entities.

62-43-112.

(a) No person shall:

(1) Submit false information to the department;

(2) Make a materially false entry in the records of a professional employer organization; or

(3) Violate this chapter.

(b) The following constitute grounds for which the department may take action under subsection (c) against a person subject to this chapter:

(1) Being convicted of an offence or disciplined as described in § 62-43-106(b)(7);

(2) Committing a prohibited act under subsection (a); or

(3) Making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular, statement, advertisement, sales presentation, omission or comparison that misrepresents the benefits, advantages, conditions or terms of any professional employer services or is otherwise untrue, deceptive or misleading.

(c) For violating subsection (a) or when grounds exist under subsection (b), the department may:

(1) Issue an order:

(A) To comply with the chapter; or

(B) To cease and desist;

(2) Impose an administrative penalty not to exceed one thousand dollars (\$1,000) for each set of facts constituting a separate violation;

(3) Restrict or suspend a registration;

(4) Place the registrant on probation for a period of time not to exceed the next full term of registration where the registrant is subject to the terms and conditions determined by the department;

(5) Deny an application or revoke a registration; or

(6) Enjoin or restrain by bringing an action in the Chancery Court of Davidson County.

(d) If the department finds that a violation has occurred or that grounds exist to take an action under subsection (c), the department shall consider the following when determining what action to take:

(1) Whether the person committing the act or failing to act did so:

(A) Knowingly;

(B) Recklessly;

(C) Repeatedly; or

(D) Relying on information of another person or was subject to an illegal act;

(2) The materiality and severity of the violation; and

(3) The person's actions to cure the violation.

(e) If the action under subdivision (c)(5) is taken by the department:

(1) The department shall notify:

(A) The Department of Labor and Workforce Development; and

(B) Each client of which the department has knowledge of the department's action; and

(2) The person with a revoked registration shall:

(A) Immediately cease soliciting clients for professional employer services;

(B) Not execute additional professional employer agreements or enter into any arrangement wherein it agrees to provide professional employer services;

(C) Wind down the operations of the professional employer organization so that the professional employer organization will no longer be in operation sixty (60) days after the effective date of the revocation; and

(D) Return the registration that was revoked to the department.

(f)(1) The department may make or cause to be made investigations, audits or reviews within or without this state as the department deems necessary:

(A) To determine whether a person has violated or is in danger of violating this chapter, including any regulation or rule promulgated under this chapter; or

(B) To aid in the enforcement of this chapter.

(2) All material compiled by the department in any investigation, audit or review under this section shall be confidential and exempt from public disclosure pursuant to Title 10, Chapter 7 and as amended, until ten (10) days after a finding of probable cause resulting from the investigation, audit or review; however, financial information, including, but not limited to, client lists, obtained by the department in connection with investigations, audits or reviews shall be kept confidential and exempt from the public disclosure requirements of Title 10, Chapter 7.

(3) The department may impose upon the person found to have violated this chapter the cost of investigation and prosecution, including reasonable attorney fees.

(g) The Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5 and as amended, governs all matters and procedures regarding the hearing and judicial review of any contested case arising under this chapter.

62-43-113. The provisions of this chapter are severable. If any provision of this chapter or application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

62-43-114.

(a) Rules promulgated pursuant to the "Tennessee Employee Leasing Act", that are in effect prior to enactment of this act, shall remain in effect unless such rules are in conflict with this chapter or until modified or repealed by the department.

(b) A plan, adopted by a study committee establishing criteria for a staff leasing company sponsoring and maintaining a plan for self-insurance for health benefits on or before January 1, 1998, shall be deemed a rule of the department and shall remain in effect unless such rule is in conflict with this chapter or until modified or repealed by the department.

(c) A current license in effect at the effective date of this act shall remain in effect until one hundred eighty (180) days after the close of the licensee's current fiscal year.

(d) The most recent appointments to the advisory board under the Tennessee Employee Leasing Act shall be considered appointments to the advisory council unless the governor appoints a successor to an expired term.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 56, is amended by deleting the chapter in its entirety and by substituting instead the following language:

56-56-101. As used in this chapter, "professional employer organization benefit and welfare plan" means a plan offered to the covered employees of a professional employer organization registered pursuant to the Tennessee Professional Employer Organization Act, compiled in Title 62, Chapter 43 and as amended.

56-56-102. A professional employer organization may sponsor and maintain employee benefit and welfare plans in accordance with § 62-43-108(c), for the benefit of covered employees. The self-insured plans developed under this section are not subject to the premium taxes imposed by this title. The department may promulgate rules regulating self-insured plans under this section.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language in § 62-43-106(a)(3) of Section 1 and by substituting instead the following:

(3) If the department denies registration to an applicant, then the department shall provide the applicant the reason for the denial in writing. The applicant shall have sixty (60) days from the date appearing on the written statement of denial to submit proof that the reason or reasons for denial have been cured; provided, that it is the commissioner's decision as to whether or not the defect or defects have been cured and whether or not to issue the license.

AND FURTHER AMEND by deleting § 62-43-107(a)(4) of Section 1 in its entirety.

AND FURTHER AMEND by deleting "or" after § 62-43-112(b)(2) of Section 1, by deleting the "." after § 62-43-112(b)(3) of Section 1 and replacing it with ";" and by adding the following language as new subdivisions at the end of § 62-43-112(b) of Section 1:

(4) Entering into any agreement to commit or, by any concerted action, committing any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of employee leasing; or

(5) Permitting to be used or using, permitting to be filed or filing, any name, trade name, fictitious name or business identity which is the same as, similar to or may be confused with the name, trade name, fictitious name or business identity of an existing licensee, any governmental agency or any nonprofit organization.

On motion, Amendment No. 2 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all language in § 62-43-106(a)(3) of Section 1 and by substituting instead the following:

(3)(A) If the department denies registration to an applicant, the department shall provide written notice that includes the reasons for the denial. The applicant shall have sixty (60) days from the date the notice was sent to:

(i) Submit proof to the department that the reasons for the denial have been cured; or

(ii) Request, in writing, reconsideration from the commissioner.

(B) The department shall provide written notice of its determination after considering the applicant's submission or request under subdivisions (a)(3)(A)(i) or (a)(3)(A)(ii) within thirty (30) days of receiving a submission or request.

(C)(i) After submission of a written request for consideration, an initial applicant shall have the right to appear before the commissioner or the commissioner's designee to present the applicant's request for reconsideration. If an applicant wishes to appear before the commissioner or the commissioner's designee to present their request for reconsideration, then the department shall provide written notice of its determination within thirty (30) days after such appearance; provided, that it is the commissioner's decision as to whether or not the defect or defects have been cured and whether or not to issue the registration.

(ii) An applicant who is not an initial applicant may request a hearing pursuant to § 4-5-320 before the commissioner makes a final determination to deny a renewal registration.

AND FURTHER AMEND by deleting § 62-43-107(a)(4) of Section 1 in its entirety.

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AND FURTHER AMEND by deleting "or" after § 62-43-112(b)(2) of Section 1, by deleting the "." after § 62-43-112(b)(3) of Section 1 and replacing it with ";" and by adding the following language as new subdivisions at the end of § 62-43-112(b) of Section 1:

(4) Entering into any agreement to commit or, by any concerted action, committing any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of employee leasing; or

(5) Permitting to be used or using, permitting to be filed or filing, any name, trade name, fictitious name or business identity which is the same as, similar to or may be confused with the name, trade name, fictitious name or business identity of an existing licensee, any governmental agency or any nonprofit organization.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 2633**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2635 -- Teachers, Principals and School Personnel -- As introduced, revises certain provisions concerning dismissal or suspension of teachers. Amends TCA Title 49, Chapter 5, Part 5.

On motion, Senate Bill No. 2635 was made to conform with **House Bill No. 2237**.

On motion, House Bill No. 2237, on same subject, was substituted for Senate Bill No. 2635.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

On motion of Senator Gresham, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2237** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2693 -- Teachers, Principals and School Personnel -- As introduced, prohibits abolition of a position as a means of avoiding dismissal charges against a teacher; specifies certain procedures for rejecting a teacher whose position has been abolished for reemployment. Amends TCA Title 49, Chapter 5, Part 5.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-511(b)(1), is amended by adding the following sentence at the end of the subdivision:

However, the director of schools and the board of education are expressly forbidden to use abolition of a position as a method of avoiding dismissal charges against a teacher and the accompanying due process rights attaching to the status of tenure.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2693**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 2

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senators voting no were: Campfield and Kelsey--2.

A motion to reconsider was tabled.

Senate Bill No. 2845 -- Alcoholic Beverages -- As introduced, removes obsolete provisions; creates license for military personnel living abroad to ship wine to this state. Amends TCA Section 57-1-111; Title 57, Chapter 3; Section 57-2-101; Section 57-4-101 and Section 57-4-203.

Senate Bill No. 2845 passed its third and final consideration by the following vote:

Ayes 24
Noes 5
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Berke, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--24.

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Senators voting no were: Bell, Burks, Campfield, Herron and Southerland--5.

Senator present and not voting was: Tracy--1.

A motion to reconsider was tabled.

Senate Bill No. 2967 -- Local Education Agencies -- As introduced, requires local board of education to approve budget for operation of county schools after the county legislative body's approval in accordance with Local Option Budgeting Law of 1993. Amends TCA Section 49-2-101.

Senate Bill No. 2967 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Burks moved that **Senate Bill No. 2986** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3101 -- Tort Liability and Reform -- As introduced, provides that the damages that may be awarded in a healthcare liability action in which liability is admitted or established, are subject to the "Tennessee Civil Justice Reform Act of 2011". Amends TCA Section 7-57-502; Section 8-42-101; Section 8-21-401; Section 9-8-307; Section 10-7-504; Section 28-3-104; Section 29-26-118; Section 29-26-119; Section 29-26-120; Section 29-26-121; Section 29-26-122; Section 29-26-202; Section 29-20-310; Section 29-26-115; Section 29-26-116; Section 29-26-117; Section 37-5-314; Section 56-3-111; Section 56-30-115; Section 56-31-114; Section 56-32-110; Section 56-32-130; Section 56-54-101; Section 56-54-102; Section 56-54-103; Section 56-54-104; Section 56-54-105; Section 56-54-106; Section 56-7-1001; Section 56-7-101; Section 56-7-115; Section 56-8-104; Section 56-13-104; Section 56-19-125; Section 56-2-201; Section 56-27-115; Section 61-1-306; Section 62-3-121; Section 63-25-110; Section 63-27-112; Section 63-3-119; Section 63-30-111; Section 63-31-109; Section 63-4-114; Section 63-5-124; Section 63-51-105; Section 63-51-111; Section 63-51-117; Section 63-6-214; Section 63-6-219; Section 63-6-221; Section 63-6-234; Section 63-8-120; Section 63-9-111; Section 63-9-117; Section 63-11-215; Section 63-12-124; Section 63-13-209; Section 63-23-108; Section 68-140-311; Section 68-140-511 and Section 68-11-223.

On motion, Senate Bill No. 3101 was made to conform with **House Bill No. 3717**.

On motion, House Bill No. 3717, on same subject, was substituted for Senate Bill No. 3101.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3717** passed its third and final consideration by the following vote:

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Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3115 -- Education, Higher -- As introduced, permits combat veterans who are residents of Tennessee and students at public institutions of higher education to register for classes prior to the general student population. Amends TCA Title 49.

On motion, Senate Bill No. 3115 was made to conform with **House Bill No. 2961**.

On motion, House Bill No. 2961, on same subject, was substituted for Senate Bill No. 3115.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2961** passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Tracy moved that **Senate Bill No. 3159** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3174 -- Economic and Community Development -- As introduced, requires the Commissioner of Economic and Community Development and the Commissioner of Revenue to study and report to the general assembly the effect of tax incentives on economic development in cities and counties; report to cover past five years; report due September 15, 2012. Amends TCA Title 67.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-2009, is amended by adding the following as a new subdivision (3)(J):

(J)(i) In addition to the credit provided in § 67-4-2009(3)(A), the owner of a qualifying environmental project shall be entitled to a one-time credit in the amount of 1.75% of the investment in the qualifying environmental project, and such credit shall have the same carry-forward features, limitations and other attributes as are applicable to job tax credits under § 67-4-2109(b)(1). The owner of a qualifying environmental project shall also be provided six (6) annual credits in the amount of 1.75% of the investment in the qualifying project, and such credits shall have the same carry-forward features, limitations and other attributes as are applicable to enhanced job tax credits under § 67-4-2109(b)(2)(B)(iii), and the entire investment in the qualifying environmental project shall be treated as exempt required capital investment for purposes of § 67-4-2108(a)(6)(G).

(ii) For purposes of this subdivision, a "qualifying environmental project" means a project in which the taxpayer makes an investment in excess of one hundred million dollars (\$100,000,000) to eliminate mercury from the manufacturing process and operations of one or more existing chlor-alkali manufacturing and ancillary facilities and equipment in the state.

(iii) The maximum investment in a qualifying environmental project that is eligible for the credits provided under this subdivision is one hundred million dollars (\$100,000,000), inclusive of all capital investment and other direct and indirect costs of the project. To be eligible for the credits provided under this subdivision, construction of the qualifying environmental project must have commenced on or after January 1, 2011, and construction of the qualifying environmental project must be substantially complete on or before January 1, 2014. The credits provided under this subdivision shall first be available in the later of the year in which the qualifying environmental project is substantially complete or July 1, 2013.

(iv) As a condition to receiving credits under this subdivision, the owner of a qualifying environmental project shall agree to maintain an annual average of at least three hundred fifty (350) jobs in the state that meet the requirements set forth in § 67-4-2109(a)(6)(A) for a period of six (6) years after substantial completion of the qualifying environmental project. In the event the owner does not maintain the required number of qualified jobs in a specific year, the annual credit provided under this subdivision for that year shall be reduced in proportion to the percentage of the shortfall.

(v) As a further condition to receiving credits under this subdivision, the owner of a qualifying environmental project shall agree to forego any and all claims for credits that may be available to the owner pursuant to § 67-4-2109(b)(1) and (b)(2) in connection with the qualifying environmental project.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3174**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3331 -- Comptroller, State -- As introduced, requires state agency officials with knowledge of a theft, forgery, fraud or similar unlawful act or abuse of public money or services to report such information to the comptroller. Amends TCA Title 8, Chapter 4, Part 1.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 4, Part 1, is amended by adding the following new section:

8-4-1__.

(a) Any state agency having determined that a theft, forgery, credit card fraud or any other intentional act of unlawful or unauthorized taking, or abuse of public:

(1) Money;

(2) Property;

(3) Services; or,

that other cash shortages have occurred in the state agency, shall report the information to the office of the comptroller of the treasury.

(b) The comptroller of the treasury, in consultation with the state agencies, shall have the authority to establish guidelines for such reports.

(c) The information received pursuant to this section shall be confidential working papers of the comptroller of the treasury, and therefore, shall not be an open record pursuant to Title 10, Chapter 7.

(d) As used in this section "state agency" means each state board, commission, committee, department, office, or any other unit of state government.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 3331**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Barnes, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

Senate Bill No. 3345 -- Schools, Charter -- As introduced, regulates charter schools' relationships with foreign entities and the use of non-immigrant foreign workers by charter schools. Amends TCA Title 49, Chapter 13.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following language as a new, appropriately designated subdivision:

() "Foreign" means a country or jurisdiction outside of any state or territory of the United States;

SECTION 2. Tennessee Code Annotated, Section 49-13-107, is amended by adding the following language as new subsection (c):

(c) A charter school application and any renewal application under § 49-13-122 shall include a disclosure of all donations of private funding, if any, including, but not limited to, gifts received from foreign governments, foreign legal entities and, when reasonably known, domestic entities affiliated with either foreign governments or foreign legal entities.

SECTION 3. Tennessee Code Annotated, Section 49-13-108, is amended by adding the following language as new subsection (c):

(c) A chartering authority may not approve a charter school application, if the proposed charter school plans to staff positions for teachers, administrators, ancillary support personnel or other employees by utilizing or otherwise relying on non-immigrant foreign worker H1B or J1 visa programs in excess of three and one-half percent (3.5%) of the total number of positions at any single school location for any school year.

SECTION 4. Tennessee Code Annotated, Section 49-13-122(a), is amended by adding the following language as new subdivision (4):

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(4) Performed any of the acts that are conditions for nonapproval of the charter school under § 49-13-108(c).

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 2

AMEND by designating the amendatory language in Section 3 as subdivision (c)(1) and by adding the following language as new subdivision (c)(2):

(2) Notwithstanding subdivision (c)(1), a chartering authority may not deny a charter school application solely because the proposed school plans to exceed the limitation in subdivision (c)(1) in employing foreign language instructors who, prior to employment, meet and, during the period for which such instructors' H1B or J1 visas have been granted, will meet all Tennessee licensure requirements.

On motion, Amendment No. 2 was adopted.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting in the amendatory language of Section 3(c) of the bill, as amended, the words "may not approve" and by substituting instead the words "may disapprove".

On motion, Amendment No. 3 was adopted.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 4

AMEND by adding the following language at the end of the amendatory language of Section 3 of the bill as amended:

If a chartering authority disapproves a charter school application under this subsection, the sponsor may appeal the decision to disapprove the application as provided in subsection (a).

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 5

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If a court finds a violation of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d), has occurred under the operation of this act and the court's decision has become final, then immediately upon the effective date of the court's order, this act is repealed. The charter school that is a party to the lawsuit shall notify the Commissioner of Education of the court's ruling, who shall report the same to the secretary of state and the Tennessee Code Commission. The commissioner shall also notify all charter schools operating in this state of the repeal of this act.

On motion, Amendment No. 5 was adopted.

Senator Ketron moved that **Senate Bill No. 3345**, as amended, be placed on the Calendar for Wednesday, April 11, 2012, which motion prevailed.

Senate Bill No. 3503 -- Education, Higher -- As introduced, removes public institutions of higher education from requirements of blind vending facilities. Amends TCA Section 49-8-118 and Section 71-4-502.

Senator Yager declared Rule 13 on **Senate Bill No. 3503**.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-4-502(4), is amended by deleting the language "; and" at the end of the subdivision and substituting instead the following language:

. Nothing in this part shall limit the ability of an institution that is governed by the University of Tennessee or the state university and college system to contract for food services (cafeterias, restaurants, food courts and catering services) in new buildings or on new campuses provided that a site suitable to the institution, after consultation with the department, is also made available for a blind vendor to manage and operate automated vending machines and/or a counter service as jointly agreed to by the institution and department in the new building or on the new campus; and

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3503**, as amended, passed its third and final consideration by the following vote:

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Ayes 27
Noes 0
Present, not voting . . . 4

Senators voting aye were: Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators present and not voting were: Beavers, Campfield, Henry and Kelsey--4.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 3597** be placed on the Calendar for Thursday, April 19, 2012, which motion prevailed.

Senate Bill No. 3606 -- Education -- As introduced, authorizes and encourages LEAs to partner with individuals, community and faith-based groups and organizations and for-profit and nonprofit entities to devise parental involvement programs that reward schools and classes and honor parents for participating in parenting classes that increase parental involvement in education and schools. Amends TCA Title 49, Chapter 6, Part 70.

On motion, Senate Bill No. 3606 was made to conform with **House Bill No. 3505**.

On motion, House Bill No. 3505, on same subject, was substituted for Senate Bill No. 3606.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3505** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 3628** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Roberts moved that **Senate Bill No. 3632** be placed on the Calendar for Wednesday, April 18, 2012, which motion prevailed.

Senator Tracy moved that **Senate Bill No. 3651** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3652 -- Judges and Chancellors -- As introduced, requires speakers to appoint all nine members of the judicial evaluation commission since the judicial council no longer exists. Amends TCA Title 17, Chapter 4, Part 2.

Senate Bill No. 3652 passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Kyle moved that **Senate Bill No. 3663** be placed on the Calendar for Monday, April 16, 2012, which motion prevailed.

Senate Bill No. 3751 -- Education, Higher -- As introduced, requires public institutions of higher education to report annually to the Education Committees of the Senate and the House on the filling of positions at the institutions. Amends TCA Title 49, Chapter 7, Part 1.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) Notwithstanding any provision of law to the contrary, an application for a position of chief executive officer of a public institution of higher education, materials submitted with an application, letters of recommendation or references concerning an applicant, and any other records or information relating to or arising out of the process of searching for and selecting an individual for a position of chief executive officer of a public institution of higher education shall be treated as confidential and shall not be open for public inspection, if the records could be used to identify a candidate for the position; provided, however, that after a search committee has selected candidates as finalists for a position of chief executive officer of a public institution of higher education, which shall occur no later than seven (7) business days before the final vote of the governing board to appoint or elect a person to fill the position, a record relating exclusively to the candidates selected as finalists shall not be confidential and shall be open for public inspection, except for a record otherwise confidential under state or federal law. This section shall not apply to information relating to a candidate who did not expressly request that the candidate's information be kept confidential.

(b) As used in this section:

(1) "Chief executive officer of a public institution of higher education" includes:

(A) The president of the University of Tennessee system;

(B) The chancellor of the state university and community college system;

(C) A chancellor of a University of Tennessee campus or institute; and

(D) A president or director of an institution of the state university and community college system; and

(2) "Finalists" shall mean no less than three (3) candidates selected by a search committee as the group from which one (1) or more candidates shall be recommended to the governing board of the public institution of higher education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3751**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senator voting no was: Kyle--1.

A motion to reconsider was tabled.

Senate Bill No. 2492 -- Codes -- As introduced, prohibits sprinkler requirements in local building codes in one-family and two-family dwellings. Amends TCA Section 68-120-101.

On motion, Senate Bill No. 2492 was made to conform with **House Bill No. 2639**.

On motion, House Bill No. 2639, on same subject, was substituted for Senate Bill No. 2492.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(8), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(8)(A) Shall not include mandatory sprinkler requirements for one-family and two-family dwellings; however, notwithstanding this subdivision (a)(8), local governments may adopt more stringent requirements for one-family and two-family dwellings; and

(B)(i) If a local government seeks to adopt mandatory sprinkler requirements for one-family and two-family dwellings pursuant to this subdivision (a)(8), then the local government may only adopt such requirements, by either ordinance or resolution, as appropriate, upon an affirmative two-thirds (2/3) vote on final reading; provided, that if passage of such ordinance or resolution requires two (2) readings, then such requirements may only be adopted after reading such ordinance or resolution in open session of the legislative body at meetings specially called on two (2) different days that are no less than two (2) weeks apart; and if passage requires three (3) readings, then the last two (2) readings shall occur on two (2) different days that are no less than two (2) weeks apart. Mandatory sprinkler requirements shall be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards;

(ii) If a local government seeks to repeal the mandatory sprinkler requirements adopted pursuant to this subdivision (a)(8), then the local government shall repeal such requirements in the same manner as required to adopt such requirements under this subdivision (a)(8); provided, that if a local government adopted mandatory sprinkler requirements prior to the effective date of this act, then the local government may repeal such requirements in the same manner the local government adopted the requirements; and

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion of Senator Ketron, Amendment No. 1 to Amendment No. 1 was withdrawn.

On motion, Amendment No. 1 was adopted.

Senator Ketron moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 2 in its entirety and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 68-120-101, is amended by adding the following language as a new, appropriately designated subsection:

() If a local government adopts mandatory sprinkler requirements for one-family and two-family dwellings pursuant to subdivision (a)(8), then such requirements shall not apply to manufactured homes constructed or installed under Parts 2 and 4 of

Chapter 126 of this title unless such requirements are consistent with the regulations established by the United States Department of Housing and Urban Development (HUD) relating to the installation of sprinkler equipment in manufactured homes.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2639**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	3
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

Senators voting no were: Burks, Henry and Johnson--3.

Senators present and not voting were: Yager--1.

A motion to reconsider was tabled.

Senate Bill No. 2857 -- General Assembly, Directed Studies -- As introduced, directs the Commissioner of the Department of Human Services to conduct a summer study that will assess the feasibility of more work friendly assistance eligibility and benefits requirements in order to increase workforce participation. Amends TCA Title 71.

On motion, Senate Bill No. 2857 was made to conform with **House Bill No. 2806**.

On motion, House Bill No. 2806, on same subject, was substituted for Senate Bill No. 2857.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

On motion of Senator Crowe, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2806** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2912 -- Corporations, For Profit -- As introduced, extends the attorney general and reporter's deadline of objection for any proposed public benefit hospital conveyance transaction from 45 days to 60 days and provides an additional 45-day extension to review and consider the transaction. Amends TCA Title 48, Chapter 68.

Senator Overbey declared Rule 13 on **Senate Bill No. 2912**.

Senator Norris declared Rule 13 on **Senate Bill No. 2912**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-68-206, is amended by deleting subdivision (3) in its entirety and substituting instead the following:

(3) Whether the proceeds of the proposed public benefit hospital conveyance transaction will be used consistent with the trust under which the assets are held by the public benefit hospital entity;

SECTION 2. Tennessee Code Annotated, Section 48-68-206, is amended by inserting the following as new subdivisions (4) and (5) and by redesignating the remaining subdivisions accordingly:

(4) Whether the proceeds are used by a county or municipality for general or special revenue obligations not expressly provided for when the hospital was established;

(5) Whether the proceeds will be controlled as funds independently of the acquiring or related entities; provided however, no proceeds shall be returned to any county or municipal government except to the extent necessary to pay lawful obligations to such county or municipal government;

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it. A sale, lease, exchange or other disposition of any assets by an entity which was required to give notice to the attorney general prior to such sale, lease, exchange or other disposition before the enactment of this act shall be governed by the law in effect when such notice was sent.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2912**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0
Present, not voting . . .	4

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Harper, Haynes, Henry, Herron, Johnson, Ketron, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --28.

Senators present and not voting were: Ford, Kelsey, Kyle and Norris--4.

A motion to reconsider was tabled.

Senator Overbey moved that **Senate Bill No. 2923** be placed on the Calendar for Monday, April 16, 2012, which motion prevailed.

Senate Bill No. 3742 -- Traffic Safety -- As introduced, requires members of the highway patrol investigating motor vehicle accidents on interstates to note on the accident report whether a physical barrier would have prevented the accident or would have prevented deaths or serious bodily injury. Amends TCA Title 55, Chapter 10.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-108(b), is amended by designating the existing language as subdivision (b)(1) and by adding a new subdivision thereto, as follows:

(2) Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident that occurs on a road or highway in Tennessee, including federal interstates and defense highways, shall note on the written report of the accident if physical barriers are present at the site of such motor vehicle accident.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3742**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2313 -- Sunset Laws -- As introduced, extends board of nursing, 2014; revises membership of board. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 7.

HOUSE AMENDMENT NO. 3

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-232(a), is amended by deleting subdivision (63) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding a new subdivision thereto, as follows:

() Board of nursing, created by § 63-7-201;

SECTION 3. Tennessee Code Annotated, Section 63-7-202, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The governor shall appoint eleven (11) members to the board, as follows:

(1) Nine (9) members, one (1) from each congressional district, who are either an advanced practice nurse or a registered nurse at the time of their appointment. At least two (2) members shall be registered nurses;

(2) One (1) member who is a licensed practical nurse at the time of such nurse's appointment; provided, at least one (1) member shall be a licensed practical nurse; and

(3) One (1) consumer member.

(b) In making appointments to the board, the governor shall consider appointing members who work in a variety of healthcare positions, including the following practice settings:

(1) A Level I trauma center licensed pursuant to Title 68, Chapter 11, Part 2;

(2) An acute care hospital;

(3) A critical access hospital or a rural hospital;

(4) A mental health facility licensed under Title 33; and

(5) A long-term care facility.

(c) No more than three (3) members shall be engaged in an academic position at the time of their appointment to the board.

(d) In making appointments to the board, the governor should consider the importance of geographical diversity to this board.

(e)(1) Members of the board may be appointed by the governor from lists of qualified persons submitted by interested nursing groups including, but not limited to, their respective organizations. Each list may contain a minimum of

three (3) times as many names as the number of appointments to be made. Lists of persons shall be submitted at least forty-five (45) days prior to the expiration of the term of office of any members of the board. The appointment provisions of this subdivision (1) shall not apply to the public member serving on the board.

(2) In making appointments to the board in accordance with subdivision (1), the governor shall consult with interested nursing groups including, but not limited to, their respective organizations to determine qualified persons to fill the positions.

(f) Each licensee member appointed to serve on the board shall:

(1) Be a resident of this state for at least one (1) year immediately preceding appointment;

(2) Be currently licensed and in good standing with an unencumbered license; and

(3) Have no less than five (5) years of experience as an advanced practice nurse, registered nurse, or licensed practical nurse.

(g) The consumer member appointed to the board shall:

(1) Be a resident of this state for at least one (1) year immediately preceding their appointment;

(2) Not have a direct or indirect financial interest in healthcare services;

(3) Not have been a healthcare provider or be enrolled in any health-related educational program; and

(4) Not be a member or employee of any board of control of any public or private healthcare organization.

(h) A vacancy on the board shall be filled for the unexpired term by appointment by the governor in such a manner to ensure the requirements of this section are met.

(i) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(j) Except as provided in subsection (k), members currently holding appointments on the board shall serve their full terms. As vacancies occur, new appointments shall be filled by the governor in accordance with this section.

(k) No member shall serve more than eight (8) continuous years on the board. A member shall be eligible to be reappointed after not serving on the board for four (4) years. The term of any member of the board with eight (8) or more years of service on the board upon the effective date of this act shall terminate January 1, 2013.

SECTION 4. Tennessee Code Annotated, Section 63-7-203, is amended by deleting the language "three (3) consecutive terms.", and by substituting instead the language "two (2) consecutive terms. At least four (4) years shall lapse before a member may be reappointed to the board or may serve in any capacity associated with the board."

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Bell moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2313**, which motion prevailed by the following vote:

Ayes	21
Noes	10
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero and Stewart--10.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 5

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-232(a), is amended by deleting subdivision (63) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding a new subdivision thereto, as follows:

() Board of nursing, created by § 63-7-201;

SECTION 3. Tennessee Code Annotated, Section 63-7-202, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The governor shall appoint eleven (11) members to the board, as follows:

(1) Nine (9) members, one (1) from each congressional district, who are either an advanced practice nurse or a registered nurse at the time of their appointment. At least two (2) members shall be registered nurses. At least three (3) members shall be advanced practice nurses. For the purposes of this section, an advanced practice nurse shall not include registered nurses;

(2) One (1) member who is a licensed practical nurse at the time of such nurse's appointment; and

(3) One (1) consumer member.

(b) In making appointments to the board, the governor shall consider appointing members who work in a variety of healthcare positions, including the following practice settings:

(1) A Level I trauma center licensed pursuant to Title 68, Chapter 11, Part 2;

(2) An acute care hospital;

(3) A critical access hospital or a rural hospital;

(4) A mental health facility licensed under Title 33; and

(5) A long-term care facility.

(c) No more than three (3) members shall be engaged in an academic position at the time of their appointment to the board.

(d) In making appointments to the board, the governor should consider the importance of geographical diversity to this board.

(e)(1) Members of the board may be appointed by the governor from lists of qualified persons submitted by interested nursing groups including, but not limited to, their respective organizations. Each list may contain a minimum of three (3) times as many names as the number of appointments to be made. Lists of persons shall be submitted at least forty-five (45) days prior to the expiration of the term of office of any members of the board. The appointment provisions of this subdivision (1) shall not apply to the public member serving on the board.

(2) In making appointments to the board in accordance with subdivision (1), the governor shall consult with interested nursing groups including, but not limited to, their respective organizations to determine qualified persons to fill the positions.

(f) Each licensee member appointed to serve on the board shall:

(1) Be a resident of this state for at least one (1) year immediately preceding appointment;

(2) Be currently licensed and in good standing with an unencumbered license;

(3) Be currently engaged in the practice of nursing; and

(4) Have no less than five (5) years of experience as an advanced practice nurse, registered nurse, or licensed practical nurse.

(g) The consumer member appointed to the board shall:

(1) Be a resident of this state for at least one (1) year immediately preceding their appointment;

(2) Not have a direct or indirect financial interest in healthcare services;

(3) Not have been a healthcare provider or be enrolled in any health-related educational program; and

(4) Not be a member or employee of any board of control of any public or private healthcare organization.

(h) A vacancy on the board shall be filled for the unexpired term by appointment by the governor in such a manner to ensure the requirements of this section are met.

(i) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(j) Except as provided in subsection (k), members currently holding appointments on the board shall serve their full terms. As vacancies occur, new appointments shall be filled by the governor in accordance with this section.

(k) No member shall serve more than eight (8) continuous years on the board. A member shall be eligible to be reappointed after not serving on the board for four (4) years. The term of any member of the board with eight (8) or more years of service on the board upon the effective date of this act shall terminate January 1, 2013.

SECTION 4. Tennessee Code Annotated, Section 63-7-203, is amended by deleting the language "three (3) consecutive terms.", and by substituting instead the language "two (2) consecutive terms. At least four (4) years shall lapse before a member may be reappointed to the board or may serve in any capacity associated with the board."

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Bell moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 2313**, which motion prevailed by the following vote:

Ayes	19
Noes	10
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

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Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Haynes, Herron, Kyle, Marrero and Stewart--10.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2551 -- Sheriffs -- As introduced, decreases the amount of time that a sheriff must wait before disposing of certain unclaimed property in the sheriff's custody from six months to two months from the date of acquisition. Amends TCA Title 8, Chapter 8.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "two (2) months" in the amendatory language of Section 1 and by substituting instead the language "ninety (90) days".

Senator Ketron moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2551**, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2718 -- Taxes, Gasoline, Petroleum Products -- As introduced, creates a natural gas dealer's permit for persons or entities that dispense compressed natural gas to customers' vehicles through qualified natural gas dispensers; requires the permittee to remit the compressed natural gas tax imposed on the metered gas. Amends TCA Title 67, Chapter 3, Part 11.

HOUSE AMENDMENT NO. 2

AMEND by deleting from Section 4(a) the language "defined in § 67-3-1119" and by substituting instead the language "defined in § 67-3-1101".

Senator Ketron moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2718**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey,

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McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MOTION

Senator Beavers moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3513**; and **Senate Joint Resolution No. 703** on the calendar for the Committee on Judiciary for Tuesday, April 10, 2012, which motion prevailed.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 2182** was recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Senator McNally moved that Senate Bill No. 2182 be referred to the Committee on Calendar, which motion prevailed.

MOTION

Senator Watson moved that **House Bill No. 3633** be recalled from the House, which motion prevailed.

MOTION

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 846, 2845 and 3115**; and **Senate Joint Resolution No. 723**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 1631**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 1688**; and **Senate Joint Resolution No. 729**.

On motion of Senators Kyle, Beavers, Crowe, Gresham, Ketron, Massey, Norris, Overbey, Southerland, Tracy and Watson, their names were added as sponsors of **Senate Bill No. 2129**.

On motion of Senators Ford, Harper and Tate, their names were added as sponsors of **Senate Bill No. 2591**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Bill No. 2693**.

On motion of Senators Berke and Stewart, their names were added as sponsors of **Senate Bill No. 3174**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 3202**.

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 3331**.

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On motion of Senators Ford and Harper, their names were added as sponsors of **Senate Bill No. 3606**.

On motion of Senator Norris, his name was added as sponsor of **Senate Bill No. 3629**.

On motion of Senators Gresham and Overbey, their names were added as sponsors of **House Joint Resolution No. 557**.

On motion of Senators Ford and Norris, their names were added as sponsors of **House Joint Resolution No. 577**.

On motion of Senators Crowe and Ford, their names were added as sponsors of **House Joint Resolution No. 649**.

On motion of Senators Burks, Crowe, Herron and Overbey, their names were added as sponsors of **House Joint Resolution No. 664**.

On motion of Senators Crowe and Herron, their names were added as sponsors of **House Joint Resolution No. 695**.

On motion of Senators Faulk and Overbey, their names were added as sponsors of **House Joint Resolution No. 812**.

On motion of Senators Beavers, Crowe, Gresham, Henry, Ketron, Roberts, Tracy and Yager, their names were added as sponsors of **House Joint Resolution No. 823**.

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 842**.

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolution No. 846**.

ENGROSSED BILLS

April 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1631, 1688, 2484, 2591, 2596, 2633, 2693, 2845, 2912, 2967, 3174, 3331, 3503, 3594, 3596, 3629, 3652 and 3742; and Senate Joint Resolutions Nos. 723, 727, 728, 729, 730 and 732; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bill No. 3751, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

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MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2222, 2250, 2645, 3862 and 3868; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 864, 865, 866, 867 and 868; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2413, 2671, 2678 and 3424; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2976, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2987, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 499, concurred in by the House.

JOE MCCORD,
Chief Clerk.

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ENROLLED BILLS

April 10, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2313, 2413, 2551, 2671, 2678, 2718, 2976, 2987 and 3424; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

April 10, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 68, 2982, 3604 and 3627; and Senate Joint Resolutions Nos. 721, 722 and 726; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

April 10, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 499, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2281, 2296, 2329, 2378, 2505, 2544, 2794, 3214, 3255, 3338, 3539, 3548, 3570 and 3863; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2295 and 3039, for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 10, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 557, 577, 649, 664, 695, 812, 823, 842 and 846; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 9, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 572, 712, 713, 714, 715, 716, 717, 718, 719, 720, 733 and 760.

SIGNED

April 10, 2012

The Speaker announced that he had signed the following: Senate Joint Resolution No. 499.

SIGNED

April 10, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 721, 722 and 726.

SIGNED

April 10, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 557, 577, 649, 664, 695, 812, 823, 842 and 846.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2166, 2235, 2341, 2566, 2707, 2785, 3123, 3283, 3385, 3447, 3556 and 3558; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 572, 712, 713, 714, 715, 716, 717, 718, 719, 720, 733 and 760; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 10, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 499, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 10, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 721, 722 and 726; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

April 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2166, 2235, 2341, 2566, 2698, 2707, 2785, 2844, 2870, 2900, 3123, 3234, 3283, 3385, 3394, 3397, 3447, 3556, 3558 and 3787; and Senate Joint Resolutions Nos. 572, 712, 713, 714, 715, 716, 717, 718, 719, 720, 731, 733, 738 and 760; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

April 10, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 499, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 9, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 738, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

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MESSAGE FROM THE GOVERNOR

April 10, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 499, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 11, 2012: Senate Joint Resolutions Nos. 734, 735, 736, 737, 739, 740 and 741; Senate Resolution No. 95; and House Joint Resolutions Nos. 849, 850, 851 and 852.

This the 9th day of April, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 11, 2012: Senate Bills Nos. 233, 420, 429, 674, 948, 1329, 1504, 1759, 2407, 2420, 2421, 2462, 2463, 2480, 2507, 2617, 2735, 2754 and 3227; House Bill No. 2913; and Senate Bills Nos. 2487 and 3345.

This the 9th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 12, 2012: Senate Joint Resolutions Nos. 742, 743, 744, 745, 746, 747, 748, 749 and 750; Senate Resolution No. 96; and House Joint Resolutions Nos. 853, 854, 855, 856, 857, 858, 859, 860, 861 and 862.

This the 10th day of April, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 12, 2012: Senate Bills Nos. 2246, 2544, 2556, 2720, 2817, 2950, 2999, 3062, 3183, 3222, 3223, 3288, 3573, 3602, 3635, 3647, 3691, 3700, 2206, 2225, 2514, 2515, 2811, 3096 and 3460.

This the 10th day of April, 2012.
MIKE FAULK, Chairperson.

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ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, April 11, 2012, which motion prevailed.